

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF WASHINGTON

STERLING SAVINGS BANK,  
a Washington state-chartered  
savings and loan assoication,

Plaintiff,

v.

TEAM NORTHWEST  
AUTOMOTIVE, LLC, an Oregon  
limited liability company, MURRAY  
ETHERIDGE and MARCIA  
ETHERIDGE, husband and wife,  
SUNSET AUTOMOTIVE  
PARTNERS, LLC, an Oregon  
limited liability company, and  
KERRY CHIMIANTI,

Defendants.

No. CV-05-0076-JLQ

ORDER RE: MOTION FOR  
SECOND PRELIMINARY  
INJUNCTION

FILED IN THE  
U.S. DISTRICT COURT  
EASTERN DISTRICT OF WASHINGTON

JUN 10 2005

JAMES R. LARSEN, CLERK  
DEPUTY  
SPOKANE, WASHINGTON

Plaintiff's Motion for Second Preliminary Injunction (Ct. Rec. 22) came on for hearing without oral argument on June 10, 2005. Plaintiff is represented by **Leslie Weatherhead**. Defendant Kerry Chimienti is represented by **Robert Thompson**.

This action was commenced on March 18, 2005, and this court previously entered a preliminary injunction on April 6, 2005. (Ct. Rec. 21). No Defendant appeared until after Plaintiff filed a Motion for Default Judgment. (Ct. Rec. 26). Subsequently Robert Thompson appeared, and an appearance was filed on behalf of a third-party, Onyx Acceptance Corporation. Neither Murray or Marcia Etheridge has appeared. No objection to the entry of the second preliminary injunction has been filed. There being no objection, the court finds: 1) absent the requested injunctive relief, Plaintiff may suffer irreparable injury; 2) Plaintiff is likely to succeed on the merits; and 3) the requested relief will not unduly prejudice Defendants or any other person. Accordingly,

**IT IS HEREBY ORDERED:**

1. Plaintiff's Motion for Second Preliminary Injunction is **GRANTED**. (Ct. Rec. 22).

1 2. Defendants Murray and Marcia Etheridge are enjoined from transferring, selling,  
2 releasing or further encumbering the real property located on or about **3731 Pacific Avenue,**  
3 **Forest Grove, Oregon, 97116** absent prior approval from Plaintiff Sterling Savings Bank.

4 3. This preliminary injunction will remain in effect until further Order of this Court.

5 **IT IS SO ORDERED.** The Clerk is hereby directed to enter this Order and furnish  
6 copies to counsel.

7 DATED this 10 day of June, 2005.

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10 JUSTIN L. QUACKENBUSH  
11 SENIOR UNITED STATES DISTRICT JUDGE  
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PARCEL I:

Part of the Southeast one-quarter of Section 32, Township 1 North, Range 3 West of the Willamette Meridian, in the City of Forest Grove, County of Washington and State of Oregon, described as follows:

Beginning at the intersection of the North line of the Tualatin Valley Highway, as it presently exists, with the East line of that certain tract conveyed to Margaret Young and Benjamin Yantti, by deed recorded July 18, 1950, in Book 309 at Page 243, Deed Records; thence West along the North line of said highway a distance of 50 feet; thence North parallel with the East line of said Young and Yantti Tract 85 feet; thence East parallel with the North line of said highway 25 feet; thence North parallel with the East line of said Young and Yantti Tract 115 feet, more or less, to the North line of said tract; thence East along the North line of said tract 25 feet to the Northeast corner thereof; thence South along the East line of said tract 200 feet, more or less, to the point of beginning.

PARCEL II:

Part of the Southeast one-quarter of Section 32, Township 1 North, Range 3 East of the Willamette Meridian, in the City of Forest Grove, County of Washington and State of Oregon, described as follows:

*First American Title Insurance Company*

Beginning at a point on the Oregon baseline and at the beginning of County Road No. A-64, said beginning point being North 89°47' West 2,778.0 feet from the Southeast corner of Section 32, Township 1 North, Range 3 West of the Willamette Meridian, in the County of Washington and State of Oregon; thence along the center of said County Road A-64, North 1°25' East 196.5 feet; thence North 1°25' East 344.1 feet to a point from which an iron rod bears South 89°47' East 28.8 feet; thence South 89°47' East 858.4 feet to an iron pipe on the West line of the six acre tract conveyed to J.C. and L. Cookson in Deed Book 129, Page 128, and the true point of beginning; thence South 0°39' West 540.5 feet to a point on the baseline; thence North 89°47' West 179 feet; thence North 0°39' East 540 feet, more or less, to a point on the North line of that tract conveyed to Robert W. Fowles, et ux, by deed book 309, page 504; thence south 89°47' East 179 feet to the true point of beginning.

EXCEPTING THEREFROM the portion conveyed to the State of Oregon, by and through its State Highway Commission by deed book 401, page 49.

PARCEL III:

Part of the Southeast one-quarter of Section 32, Township 1 North, Range 3 East of the Willamette Meridian, in the City of Forest Grove, County of Washington and State of Oregon, described as follows:

From the point of intersection of the baseline and the East line of the W.W. Catching Donation Land Claim No. 62 in Section 33, Township 1 North of Range 3 West of the Willamette Meridian, in Washington County, Oregon, run West along said baseline 2,596.1 feet to the Southwest corner of that tract conveyed to Virgil D. Brannock, et ux, by deed dated October 31, 1931, and recorded May 1, 1932, in deed book 149, page 254, in Section 32, Township 1 North of Range 3 West of the Willamette Meridian, and the place of beginning for this description; thence North 0°46' East along the West line of said Brannock tract 540.5 feet; thence South 89°47' East parallel to the said baseline 25.0 feet; thence South 0°46' West parallel to the West line of said Brannock tract 540.5 feet to the South line thereof at a point 25 feet East of the place of beginning; thence North 89°47' West along said baseline 25.0 feet to the place of beginning.

EXCEPTING THEREFROM that portion thereof conveyed to the State of Oregon, by and through its State Highway Commission by deed dated January 3, 1958, and recorded January 21, 1958, in Deed Book 401, Page 515.

PARCEL IV:

Part of the South one-half of Section 32, Township 1 North, Range 3 East of the Willamette Meridian, in the City of Forest Grove, County of Washington and State of Oregon, described as follows:

Beginning at a point on the Oregon baseline and at the beginning of County Road No. A64, said beginning point being North 89°47' West 2,778.0 feet from the Southeast corner of Section 32, Township 1 North, Range 3 West of the Willamette Meridian, Washington County, Oregon, which is the Southwest corner of a certain tract described in deed from Behrman to Martin recorded in deed book 131, page 46, said county and state, and running thence South 89°47' East, 129.22 feet to the point of beginning of the tract herein described; thence North 0°39' East, 270.3 feet to an iron pin; thence South 89°47' East 557.38 feet to an iron pin; thence South 0°39' West 270.25 feet to a point on the baseline; thence North 89°47' West 557.38 feet to the place of beginning.

EXCEPTING THEREFROM any portion thereof lying within the boundaries of public roads.

ALSO EXCEPTING the Westerly 165 feet thereof.

ALSO EXCEPTING the following described property in Section 32, Township 1 North, Range 3 West, Willamette Meridian, Washington County, Oregon:

Beginning at the intersection of the North line of the Tualatin Valley Highway, as it presently exists, with the East line of that certain tract conveyed to Margaret Young and Benjamin Yantti, by deed recorded July 18, 1950, in Book 309 at Page 243, Deed Records; thence West along the North line of said highway a distance of 50 feet; thence North parallel with the East line of said Young and Yantti Tract 85 feet; thence East parallel with the North line of said highway 25 feet; thence North parallel with the East line of said Young and Yantti Tract 115 feet, more or less, to the North line of said tract; thence East along the North line of said tract 25 feet to the Northeast corner thereof; thence South along the East line of said tract 200 feet, more or less, to the point of beginning.